

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SHELLA CAVALLO,

Plaintiffs,

v.

PATRICK DONAHOE, et al.,

Defendants.

Case No. 3:14-cv-00647-MMD-VPC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
VALERIE P. COOKE

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (dkt. no. 5) ("R&R") relating to plaintiff's application to proceed *in forma pauperis* (dkt. no. 1) and *pro se* complaint (dkt. no. 1-1). Plaintiffs had until May 14, 2015, to file an objection. No objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to

1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
3 view that district courts are not required to review "any issue that is not the subject of an
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
5 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Cook's R&R. Upon reviewing the R&R and
10 underlying briefs, this Court finds good cause to accept and adopt the Magistrate
11 Judge's R&R in full.

12 It is therefore ordered, adjudged and decreed that the Report and
13 Recommendation of Magistrate Judge Valerie P. Cooke (dkt. no. 5) is accepted and
14 adopted in its entirety.


15 It is ordered that plaintiff's application to proceed *in form pauperis* (dkt. no. 1)
16 without having to prepay the full filing fee is granted.

17 It is further ordered that the Clerk shall detach and file the complaint (dkt. no. 1-1).

18 It is further ordered that the complaint be dismissed without prejudice, without
19 leave to amend.

20 It is further ordered that the Clerk enter judgment and close this case.

21 DATED THIS 22nd day of June 2015.

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24 _____
25 MIRANDA M. DU
26 UNITED STATES DISTRICT JUDGE
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